REMARKS

Claims 1-34 remain pending in the application.

The Office Action rejected under 35 U.S.C. §103(a): (1) claims 6-10, 16-20, 27 and 29-34 as being unpatentable over Bushnell, U.S. Patent No. 6,249,579 ("Bushnell") in view of Fallon et al., U.S. Patent No. 6,134,308 ("Fallon"), and (2) claims 4, 14, and 24 as being unpatentable over Bushnell in view of Hanson, U.S. Patent No. 6,215,859 ("Hanson"). At the time the invention was made, however, Bushnell, Fallon and the claimed invention were assigned, or subject to an obligation of assignment, to Lucent Technologies. Under 35 U.S.C. § 103(c), therefore, Bushnell and Fallon are not prior art for purposes of a §103 rejection.

Claims 1-3, 5, 11-13, 15, 21-23, 26 and 28

In the Office Action, claims 1-3, 5, 11-13, 15, 21-23, 26 and 28 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Bushnell. The Applicants respectfully traverse the rejection.

Claims 1-3, 5, 11-13 and 15 recite, *inter alia,* a processor adapted to selectively store Caller ID data based on an off-hook status of a telephone. Claims 21-23, 26 and 28 recite, *inter alia*, making a selective Caller ID storage decision based on an off-hook status of a telephone.

Bushnell appears to teach an apparatus, method and system for personal telecommunication speed calling using an affinity database. The affinity database contains names and corresponding telephone numbers of those people with whom the user has an affinity and therefore is likely to want to speed call. The affinity database therefore is generated based upon affinity information derived from, *inter alia*, the user's incoming calls that have been answered and that have a minimum, predetermined duration. Abstract and col. 5, lines 35-37. Thus, Bushnell fails to teach selective storage of Caller ID based on the off-hook status of a telephone, as claimed by claims 1-3, 5, 11-13, 15, 21-23, 26 and 28.

The Examiner does not address this distinction, stating only that Bushnell teaches a Caller ID device comprising a memory and inherently a processor. These, however, are not the only features of the invention.

Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

Claims 6-10, 16-20, 27 and 29-34

In the Office Action, claims 6-10, 16-20, 27 and 29-34 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Bushnell in view of Fallon. The Applicants respectfully traverse the rejection.

Claims 6-10 and 16-20 recite, *inter alia,* a processor adapted to selectively store Caller ID data <u>based on an off-hook status</u> of a telephone. Claims 27 and 29-34 recite, *inter alia*, making a selective Caller ID storage decision <u>based on an off-hook status</u> of a telephone.

As explained above, Bushnell and Fallon are not prior art for purposes of 35 U.S.C. § 103(a). Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

Claims 4, 14 and 24

In the Office Action, claims 4, 14, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bushnell in view of Hanson, U.S. Patent No. 6,215,859 ("Hanson"). The Applicants respectfully traverse the rejection.

Claims 4 and 14 recite, *inter alia*, a processor adapted to selectively store Caller ID data based on whether a call is <u>answered by a person or a machine</u>. Claim 24 recites, *inter alia*, making a selective Caller ID storage decision based on whether a call is <u>answered by a person or a machine</u>.

As noted, Bushnell is not prior art for purposes of 35 U.S.C. § 103(a) because at the time the present invention was made, Bushnell and it were both subject to assignment to Lucent Technologies.

Hanson appears to disclose a method for delivering voice mail to an intended recipient in which a voice-mail message is recorded for the message recipient, an urgent status is determined for the voice-mail message, a signal is sent for activating a message waiting indicator for the recipient, and a call is generated to the message recipient for delivering the message. Hanson fails to
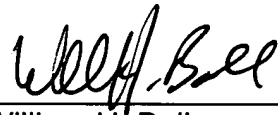
teach or suggest selective Caller ID storage based on whether a call is <u>answered by a person or a machine</u>, as claimed by claims 4, 14 and 24.

Since Bushnell does preclude the patentability of the present invention, and Hanson fails to teach or suggest the limitations of claims 4, 14 and 24, the Applicants respectfully submit that the foregoing rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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